

FARMINGTON CITY PLANNING COMMISSION

Thursday, June 28, 2007

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Cory Ritz, Paul Barker, Rick Wyss, Assistant City Planner Jared Hall, Alternate Planning Commission Member Randy Hillier. Kevin Poff was excused.

Chairman Talbot called the meeting to order at 6:15 P.M. The Planning Commission and City staff reviewed the Planning Commission agenda items.

The meeting adjourned at 6:55 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Cory Ritz, Paul Barker, Rick Wyss, Assistant City Planner Jared Hall, Alternate Planning Commission Member Randy Hillier. Kevin Poff was excused.

Chairman Talbot called the meeting to order at 7:00 P.M. **Rick Wyss** offered the invocation.

APPROVAL OF MINUTES

John Bilton moved that the Planning Commission approve the minutes of the June 14, 2007, Planning Commission Meeting with changes as noted. **Andrew Hiller** seconded the motion. The Commission voted unanimously in favor.

CITY COUNCIL REPORT

Jared Hall reported the proceedings of the City Council meeting which was held on June 19, 2007. He covered the following items:

- The City Council granted Final Plat approval for Farmington Meadows, Phases I and II.
- The City Council granted Final Plat Approval for Tuscany Village Subdivision.

**VAN ZWEDEN SUBDIVISION - APPLICANT IS REQUESTING A
RECOMMENDATION FOR FINAL PLAT APPROVAL FOR A 3 LOT SUBDIVISION
ON APPROXIMATELY 3.17 ACRES LOCATED AT 150 SOUTH BONANZA ROAD IN
AN AE ZONE (S-3-07) (Agenda Item #3)**

Background Information

General: The Planning Commission granted Preliminary Plat approval to the Van Zweden subdivision on March 15, 2007. There were several issues outstanding at that time for the developers to address for their Final Approvals, reviewed below.

1. Drainage Easements - The applicants have a tentative written agreement with the south adjoining land owner to allow the storm-water run-off to flow onto their property. It is likely that the adjoining property will develop in the near future as well, and provisions will be made for the storm water from that project as well. The Van Zweden's agreement with this property owner will be in effect for a certain number of years at a time, at which time it will be renegotiated with the understanding that they will participate in the ultimate solution when the neighbor's property is developed.
2. Fire/Emergency Access - Far and away the most problematic issue for the applicants has been the emergency turnaround needed for this project. The development of their land results in an effective dead-end on Bonanza Road. The Fire Department has ultimately agreed (only recently) to allow a temporary turnaround to be used. It will be formed by the first 26 feet of each of the two new lots driveways (reinforced to code) fronting Bonanza. The Fire Department has also required that they be 30 feet wide. The applicant's have agreed that they temporary turnaround structurally will be accompanied by an easement recorded with the plat providing that emergency access. Additionally, a detail of that portion of the plan will be added to the Final Plat under the last agreement reached between the applicants and Fire Department.
3. Soils Report - The geo-technical report has been done and filed, and the note added to the plan.
4. Improvement Drawings/Utilities - The applicant's improvement drawings have been reviewed by CRS and other entities and though several corrections have been identified, they are essentially acceptable.

Summary: There are some changes being made to the Final Plat and improvement drawings, but they are not concerning. We will undoubtedly have minor changes as the plat is prepared for recording, but Staff feels the subdivision is ready for the Planning Commission's recommendation.

END OF PACKET MATERIAL.

Jared Hall reviewed the "Background Information" which was included in the Planning Commission packet. He displayed a plan for the subdivision. The plan was approved by the Fire

Chief but has not yet been approved by the engineering department. City staff has received the signed agreement which was entered into by the applicant and the Olsens regarding the storm water run-off.

Mr. Hall reviewed the conditions that were suggested in the “Possible Motion” which was provided in the Planning Commission packet. City staff recommends that the Planning Commission recommend Final Plat approval for the Van Zweden Subdivision subject to those conditions that have not yet been met.

Motion

John Bilton moved that the Planning Commission recommend Final Plat approval of the Van Zweden Subdivision to the City Council with the following conditions:

1. The developer must continue to work with staff to correct any deficiencies in the plat and related site plan in preparation for recording and construction;
2. The developer must comply with all conditions of the preliminary plat;
3. Subdivision approval is predicated on the finalization and recordation of the agreement for storm water run-off between the Van Zwedens and Olsens on the adjoining property;
4. Subdivision approval is predicated on the preparation and concurrent recordation of an easement for emergency service access over no less than 30 feet of width and 26 feet of depth of the driveways of Lot 1 and Lot 2 adjacent to Bonanza Road. Further, said portion of the driveways covered by the easement must be reinforced to meet Fire Code regarding emergency access and turnaround.

Andrew Hiller seconded the motion, which passed by unanimous vote.

Findings

- The applicant has provided a provision for the fire vehicle turnaround.
- The drainage issues were agreed upon by the applicant and the adjacent property owner.
- The subdivision is consistent with the existing neighborhood.

VILLAGE AT OLD FARM - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL MASTER PLAN APPROVAL AND FINAL PLAT APPROVAL (RESIDENTIAL PHASE) FOR A MIXED USE DEVELOPMENT ON PROPERTY LOCATED AT APPROXIMATELY 1600 WEST NORTH MAIN STREET IN THE NMU ZONE (S-8-07) (Agenda Item #4)

Background Information

General: The Village at Old Farm received Preliminary Plat and Master Plan approvals and a Final Approval for Phase 1 of the residential portion under a separate Conditional Use Permit. Since that time the developers and staff have continued to work on several outstanding issues. The engineering firms on both sides continue to work on the single largest outstanding issue - drainage. There may be updated information presented to the Commission at the hearing. Therefore, Staff will be providing two recommendations for motions; one tabling and one approving with several conditions.

Issues Pending:

1. Development Agreement - Prior approvals have been granted on the condition that an appropriate Development Agreement be reached between the City and Gardner Development. An agreement has been drafted, reviewed and re-drafted but continues to change because of the other outstanding issues. However, Development Agreements typically are not a Planning Commission item and the Commission may wish to make this a condition of Final Plat/Final Master Plan approval.
2. Alley Rose Historic Home (Potter House) - The Commission's preliminary approvals dictated that the issue of this historic structure and its future be resolved between the developer and the City. A seismic report was turned in by the developer, but City staff (both planning and an architectural review by our consultant) find it to be inconclusive at best. More information is needed. The City's Historic Preservation Commission has planned a walk through and a report will be prepared in the near future to make better recommendations. At this point, we do not feel that any acceptable resolution has been reached. However, the house site is in the northern commercial phase of the project, so some time would still remain to make determinations *if the Commission wishes to allow the developer to pursue Final Approvals for the residential portions.*
3. Site Drainage - The single biggest issue facing approvals for this project is the drainage. The City's engineering review has determined that the projects storm water detention, as planned, is not adequate. The City had earlier hoped to mitigate some of the larger regions drainage shortfalls on this project. However, after multiple meetings, reviews and calculations, it has been determined that we simply cannot. Water from Somerset and the surrounding areas will "pass through" the drainage system at Old Farm, but not be detained. The City's engineering review also raised questions about the outfall planned for the systems detention. We hope that these issues can be resolved quickly, perhaps by the date of the hearing.

Other Reviews/Improvements: Aside from engineering comments, the other departments have given consent to the Final Plats and Master Plan. The Fire Department is the exception, having expressed that they will approve once engineering has been satisfied.

Other Improvements: Staff's review of the Final Residential Plat has been completed. Aside from the larger issues discussed already, only a few minor corrections and additions need to be made.

There are some lesser issues still lacking for the Master Plan Approval. For example, Staff would still like to see better detail on the amenities such as the "plaza", pedestrian access area and other open space as required by the preliminary approvals. Also required was the approval of UDOT for the access on Highway 89, which we understand is still pending (although likely to be approved soon).

Summary: The developers have been diligent in providing information that was needed between the Preliminary and Final reviews, and cooperative in meeting with the City to attempt to resolve the issues. Even so, these last issues remain unresolved and must be considered. In response to the developer's request, and in keeping with their desire to continue moving forward we have placed this item on the agenda for the Commission's review. If the chief issue of drainage can be dealt with, staff recommend moving forward with the other items as conditions to be met for the City Council approval. If there can be no resolution immediately regarding the storm drainage, then Staff would recommend the item be tabled until the concern is resolved.

END OF PACKET MATERIAL.

Jared Hall reviewed the information that was provided in the Planning Commission packet and reviewed the history of the application. It appears that the Development Agreement and the historic home are issues that can be resolved between the developer and City staff. The drainage issue continues to be an issue that needs to be resolved. The engineers for the two parties have not reached an agreement as to whether the detention area is capable of handling the drainage of the entire site. City staff recommends that the Planning Commission withhold their recommendation for approval until the drainage issues have been resolved.

Chairman Talbot asked if the developer must receive approval for an access from Highway 89 before they can proceed with the commercial area.

Jared Hall said the Highway 89 access issue needs to be resolved prior to the applicant proceeding with the commercial component of the project. He referred the Planning Commission to the letter that was included in the Planning Commission packet from Matt Colliers (CRS Engineers) to further explain the issues regarding the drainage. City staff recommends that the Planning Commission table consideration of the Final Master Plan.

David Dixon said it seems that the City is increasing their drainage requirements at the

final hour which is a frustration to the developer. They are willing to do what they can to contribute to the regional detention for this area. They feel that the residential area stands on its own and has sufficient detention for up to a 100 year requirement. He asked that the Planning Commission recommend approval to the City Council with the condition that the developer will continue working with the City's engineer to resolve the drainage issues.

John Gardner (12 South 400 West, Salt Lake City) said it has been proposed that the Development Agreement include a statement that the future of the historic home will be mutually agreed upon by the developer and the City. It appears that issue will be resolved in the near future.

Matt Collier (CRS Engineers) said the City standard is to design storm drain pipes that can handle a 25 year storm and to design detention to handle a 100 year storm. The developer has provided calculations indicating that they can handle the 25 year storm both with the pipe size and the detention but those calculations have not been confirmed by CRS. He pointed out where the detention basin will be located which will handle the drainage for the entire project. UDOT has a detention basin on the north end of the property which handles drainage from the Mountain Road intersection. They have met with the developer and their engineers on several occasions but have not yet reached an agreement on the drainage issues. The City is no longer requesting that the developer provide a 6 acre foot regional detention basin but are requiring that the developer provide a 3.3 acre foot basin to handle their own water. The developer would prefer providing a basin that can accommodate 2.5 acre feet which would accommodate a 25 year storm rather than a 100 year storm.

Chairman Talbot asked if the developer was made aware that the detention pond needs to be designed for a 100 year storm.

Matt Collier said the City's standard is for the developer to provide a detention basin that can handle a 100 year storm. That standard has been in effect since 2003.

Jared Hall said the standard is included on the subdivision checklist which the City uses on all developments.

Andrew Hiller asked if CRS Engineering has given any indication to the developer during the past few years that the design standard is anything different than what is being required.

Matt Collier said he knows that the requirements were discussed with the developer within the past three weeks.

Rick Wyss asked if the City has ever represented to the developer that the detention would be anything other than the 100 year storm requirement. It is incumbent on the developer to be familiar with the City's standards for development.

Matt Collier said the developer may have assumed that the detention basin requirement is for a 25 year storm since that is the design standard for the pipes.

Jared Hall said he has not discussed the design standards with the developer since that is not his area of expertise. Those discussions have occurred between the developer and the City engineers.

Randy Hillier asked why there is a 100 year requirement for the detention basin but not for the pipes.

Matt Collier said the general idea is to provide pipes to handle a 25 year storm with the assumption that if the pipes overflow, the water will flow down the streets toward to the detention ponds.

David Dixon said he has designed a lot of buildings in Farmington over the past few years. This is the first time he has been requested to provide a 100 year storm detention.

Rick Wyss asked how the developers could be ignorant of the requirement if it is included in the subdivision standards.

David Dixon said the information is only provided in the storm drainage check off list that the City uses when they review plans. The check off list includes a statement pertaining to the requirement which was confusing to both the developer and City staff.

Rick Wyss asked **Mr. Dixon** if he is aware of any representations by the City or it's agents that the development does not need to meet the 100 year standard for detention basins.

David Dixon said the developer was misinformed at a Planning Commission meeting that was held in March. He read from the minutes of that meeting where **David Petersen** stated that the City has never required a 100 year storm detention, and that Farmington City increased their standard after the storm that occurred in 2001.

Rick Wyss said the statement may be taken out of context since **Mr. Petersen** may have been referring to the standard for the pipes rather than the detention basin.

David Dixon said the statement was referring to storm retention in general.

As requested by **Chairman Talbot**, **David Dixon** reread the minutes from the March Planning Commission meeting.

Cory Ritz said that was probably an incorrect statement. **David Petersen** would have said the City has never required the 100 year storm event. At that same meeting, **Paul Hirst** was

addressing the storm detention in the Oakridge area and pipe flows. He specifically remembers discussions that the City's standard is 100 year storm requirement for the basin and 25 year storm requirement for the pipes.

Jared Hall read the statement pertaining to storm drainage and pipes that is found on the City's development checklist.

David Dixon said they never received a copy of the checklist.

Jared Hall said the checklist is used by the City. He is not typically involved in the submittals that are made by the City's reviewing agencies.

Rick Wyss referred to the Planning Commission study session where **David Dixon** stated that he was only made aware of the storm requirement today. He should not be representing that the Gardner Company only became aware of it today since the City engineer discussed the requirement with them within the last three weeks.

David Dixon said he was only made aware of the issue today.

John Gardner said **Paul Hirst** was not available at the meeting where they discussed the detention requirement so they reviewed the requirement with **David Petersen**. They agreed with **Max Forbush** that they would find a way to provide the detention for the Somerset area to accommodate for more than 25 years. They met again and had a conference call with **Paul Hirst**. They were again trying to find a way to detain the off site water. The last meeting was a week and half ago with **Paul Hirst, Max Forbush, David Petersen, John Gardner, and Todd Sorensen**. The discussion centered around the 25 year storm detention and how the development could detain off site water. They finally came to a conclusion to allow 1.9 CSF to flow through the project while they would take 1.9 CSF from off site and let drain to the detention. Everyone, including **Paul Hirst**, agreed that a solution had been found during that meeting. It wasn't until yesterday that the developer received a letter from CRS stating that they must now provide a detention for a 100 year storm. It was never brought to their attention prior to that time. Over the past three years, the requirement has gone from 10 to 25, and then yesterday to 100 years.

Andrew Hiller asked when the developer received the document that was provided by CRS which highlighted the requirement.

John Gardner said they received the letter on Friday.

Matt Collier said he knows that he discussed the 100 year storm requirement with **Ben White** at a meeting two or three weeks ago, and that it was clear from his questions and comments back to him that he had understood the 100 year detention requirement.

Rick Wyss said it is unclear to the Planning Commission whether the discussions focused on the 25 year pipe requirement or the detention basin requirement. Now that the developer is aware of the City's requirement. He questioned whether the developer is willing to meet the 100 year storm requirement.

John Gardner said he is not able to commit to that at this time since they only recently became aware of the requirement.

Rick Wyss said if the developer is not willing to meet the City standard, the Planning Commission has no choice but to table consideration of the application.

John Gardner questioned whether the check list is part of the City Ordinance.

Jared Hall said the City's Development Standards are adopted by Ordinance so the requirement is part of the Ordinance.

Paul Barker questioned whether the City would be protected if the Planning Commission granted approval subject to the developer resolving the storm water detention issues with City staff.

Rick Wyss said that is an internally inconsistent motion. It is directing the developer to proceed with the project in hopes that an undefined resolution will be met. The condition seems too vague since it is not imposing a condition upon either side. The developer is indicating that they are not willing to meet the City's 100 year storm requirement.

Andrew Hiller questioned if the Planning Commission could recommend approval subject to the developer meeting the 100 year storm requirement prior to appearing before the City Council.

Rick Wyss said the Planning Commission should not suggest that the developer and City need to reach an agreement. The City standard is not negotiable. Neither the Planning Commission nor City staff has the authority to agree to a standard that is less than 100 years.

David Dixon said they have not indicated that they unwilling to work with the City. They are willing to work with the City to find a resolution to the drainage in the area.

Rick Wyss said the Planning Commission can only recommend approval subject to the developer meeting the 100 year detention requirement. Anything less than that would be a violation of the City Ordinance.

John Bilton said it was his understanding that the developer is only detaining water that is part of their master project.

David Dixon said the 100 year storm requirement will provide the same amount of detention as if the developer were providing the regional detention basin.

Chairman Talbot said at the last Planning Commission meeting regarding this issue, City staff mentioned they would like the developer accommodate a portion of the storm water. Since that time, the City has indicated that they will make other arrangements to handle the City's water. The developer is only being required to accommodate the water from their project. The storm detention does have to encompass the entire development.

David Dixon stated that at this time, they have adequate detention for a 100 year storm for Phase 1 but not for the entire development.

Rick Wyss questioned if all developments are required to provide detention.

Matt Collier stated that all developments must provide detention unless there are proven extenuating circumstances.

Walter Keys (2750 South 1300 East, Suite 500, SLC) said he is a land use attorney. It appears that there is a misconception that there is a 100 year storm drain requirement. After reviewing the Ordinance, he has found that the checklist is not part of the Ordinance. He read a portion of the law found in Section 10-9a-509 that pertains to this issue. The checklist is not part of the Ordinance.

Rick Wyss questioned how **Mr. Keys** knows that the checklist is not part of the City Code.

Mr. Keys said the issue needs to be addressed by the City Council since they can give the most definitive answers and they are the body that gives the ultimate Final Plat approval. From what he understands, the City has not imposed the 100 year storm requirement for any other development. He read from the Farmington City Planning Commission Staff Report for December 8, 2005 (paragraph 4) which refers to the storm water for this project. It indicates that all storm water must be detained on site. Storm water facilities must be designed to City standards to meet the 25 year storm requirement. On page 2, it states again that the City standard is a 25 year storm requirement. He asked when the checklist was created.

Jared Hall said the check list was created in 2004.

Rick Wyss questioned whether the Staff Report was referring to the pipes or the detention basin.

Walter Keys said it was unclear whether the Staff Report was referring to the detention or to the pipes.

Rick Wyss said it is not appropriate for **Mr. Keys** to state that the Planning Commission should forward the issue to the City Council since they are not capable of resolving it.

John Bilton said it is unclear why the City, the City Engineer and the developer are not in agreement regarding the issue since there have been several meetings held to discuss it.

Paul Barker said it appears that the detention requirement is inconsistent with the City Ordinance.

John Bilton said if the requirement is outlined in the Ordinance, the developer must meet that requirement. He is comfortable with the detention for Phase 2 but he is not comfortable approving the Master Plan since it includes the entire project.

Cory Ritz said according to his recollection, all of the discussions have focused on the 100 year detention requirements. He believes a resolution can be reached within a reasonable time frame. He doubts that the checklist is part of the development but it is used by City staff to make sure that developments comply with the Ordinance. The purpose of the checklist is to protect the City since it has experienced major drainage failures in the past. He is in favor of tabling the issue until the technical issue can be resolved.

Andrew Hiller said he was originally hoping to show good faith to the developer so they could proceed with the project but their Attorney has pointed out that major issues exist. It would be appropriate to allow the two parties to resolve those issues prior to the Planning Commission taking action. If the Planning Commission were to take action, the conditions should be consistent with those that were provided in the Planning Commission staff report.

Chairman Talbot said he is frustrated that the parties that were present in the meetings are not present to discuss the issue with the Planning Commission. The Planning Commission can not act on information that is given by the developer's counsel without representation for the City. It appears there are enough unanswered questions that it is in the best interest of both parties to resolve the issues prior to forwarding it to the City Council.

Motion

Paul Barker moved that the Planning Commission table the request for Final Master Plan and Final Residential Plat approval pending resolution of the drainage questions raised by the City Engineer.

Cory Ritz seconded the motion, which passed by unanimous vote.

Findings

The project is an important in-fill mixed-use piece in Farmington and is located in an area of the city with significant and unresolved drainage issues.

PUBLIC HEARING: FARMINGTON HOLLOW SUBDIVISION - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR A PLANNED UNIT DEVELOPMENT SUBDIVISION ON APPROXIMATELY 67.03 ACRES LOCATED AT APPROXIMATELY 1525 WEST BURKE LANE IN THE R-4 AND LR ZONES (S-7-06) (Agenda Item #5)

Background Information

After receiving a recommendation from the Planning Commission, the City Council approved the Preliminary (PUD) Master Plan for the subject development on February 6, 2007, subject to the conditions set forth in the enclosed minutes. The applicant is requesting preliminary plat approval for the same development. At a recent City Council meeting, the Council entered into a street improvement agreement with the applicant which better delineates the timing and type of streets necessary regarding the street network contemplated by the Master Plan for the northwest Farmington area. It should be noted that staff is recommending that the street patterns in the southern area of the PUD be reconfigured to allow the Major Collection to directly connect with Burke Lane which is consistent with the City Council approval.

END OF PACKET MATERIAL.

Jared Hall reviewed the "Background Information" that was included in the Planning Commission packet.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Thaine Smith said they own two properties and have allowed the 150 feet that the City wants to be maintained as open space for when the two lane road is built. He called **Cory Pope** who said the plan is conceptual. There is a lot of confusion about the issue. **Cory Pope** mentioned that he will revisit the General Plan of the Wasatch Front Regional Council in an attempt to find a better location for the connection.

Rick Wyss questioned if they will need the corridor that is marked on the map.

Thaine Smith said this corridor may be needed as a two lane connection for Legacy and I-15. There is still one option remaining. UDOT has said they are going to start purchasing right-of-ways to preserve for the corridor. They have since said that they do not have the funding to purchase those properties. At this time, it is unknown where the corridor will be located. Danville Land Investments can not wait until UDOT makes their decision.

Rick Wyss asked what density is allowed in this project.

Thaine Smith- said their project includes approximately 11 units per acre. The starting price for similar units in North Salt Lake is \$212,000.

Rick Wyss said at a previous meeting, the developer indicated that traffic from this project will not be “dumped” onto Shepard Lane. The developer indicated that the road configuration will make it difficult for traffic to go east on Shepard Lane to access I-15 or Highway 89.

Thaine Smith pointed out where the traffic will access I-15.

Cory Ritz said it has been his understanding that the traffic will travel on 1525 West until the west side Frontage Road is constructed.

Thaine Smith said they are working closely with Farmington Crossing and Farmington City to accommodate the traffic. A connection road will be provided within the next two to three years.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing.

Motion

Randy Hillier moved that the Planning Commission approve the preliminary plat subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must comply with all conditions of Preliminary (PUD) Master Plan approval granted by the City Council on February 6, 2007.
2. The applicant must reconfigure the street patterns on lot layouts in the southern portion of the Project to allow the Major Collection to directly transition or connect into Burke Lane.
3. Improvement drawings for the Project, or any phase related thereto, including a revegetation and grading and drainage plan, must be submitted for review and approval by the City Engineer, Public Works Department, Planning Department, Fire Department, CDS, and Benchland Irrigation District.
4. The applicant shall enter into a development agreement with the City to cover most all aspects of the entire project.

5. The developer shall complete any remaining unfinished items on the City's preliminary plat checklist.

John Bilton seconded the motion which passed by a 6 to 1 vote, with **Rick Wyss** opposing the motion.

Findings

- This project is consistent with the discussions that have occurred over the last several years.
- A solution to the traffic flow will occur in the near future.
- The traffic from the development is consistent with the City's Master Transportation Plan.
- The developer has worked with the City to provide a corridor for the Legacy connection.

Rick Wyss said he was opposed to the motion since this is not an ideal project if this corridor is not chosen for the Legacy connection. He is uncomfortable voting for something that is not the best option if UDOT changes its plans.

PUBLIC HEARING: BABB INVESTMENTS - APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR A PRIVATE SCHOOL (CHALLENGER) ON APPROXIMATELY 2.70 ACRES LOCATED AT 1089 NORTH SHEPARD CREEK PARKWAY IN THE R-4 ZONE (C-11-07) (Agenda Item #6)

Background Information

General: The applicant has requested Conditional Use and Site Plan approvals for a proposed Challenger Private School. The use would consist of the school building itself, and an associated parking lot and playground. The site development would include the extension of 1060 North Street eastward through to Shepard Creek Parkway. The R-4 zone will allow public and private schools as a conditional use, and the General Plan would tend to support the conditional use approval since schools clearly support and enhance residential development.

Parking and Access: The parking lots associated are not large, but school traffic generally does not utilize the site for long periods. The parking, as planned (46 spaces), should be sufficient, since the site is designed for a "drop-off and pick-up" environment.

Access to the site at three points - two on Shepard Creek Parkway and one on the new 1060 North extension. This particular school is planned as a "feeder". It houses only pre-school and kindergarten classes at this time. The site is organized with the access "ringing" the building, to maximize the potential for drop-off and pick-up and keep traffic tending to flow through the site.

Site Planning & Improvements: Along with the building, playground and parking lots, the applicant will be finishing improvements on Shepard Creek Parkway and full improvements on the 1060 North extension. This will provide much needed connectivity to Shepard Creek Parkway and associated developments from the neighborhoods to the west.

The site perimeter is planned to be fenced. Staff would suggest that this fencing should be solid and act as a buffer for the residential uses to the west. Staff would also recommend a formally approved landscaping plan requiring the use of trees for screening along this property line as well.

Technical Reviews: Engineering reviews, etc. did not generate any serious issues having to do with the nature of this permit application.

END OF PACKET MATERIAL.

Jared Hall displayed a Vicinity Map and pointed out where the property is located. He reviewed the “Background Information” and “Suggested Motion” that was included in the Planning Commission packet. The school will only accommodate pre-school and kindergarten classes as this time but there is a possibility that first and second grade classes will be added in the future.

Jay Anderton (Director of Development for Challenger School, 4752 North Sunset Way, Lehi) explained that the adjacent property owner is willing to sell the property but at a large price. There were also inflated construction management costs associated with the price.

John Bilton questioned whether there are wetlands issues in this area.

Chairman Talbot stated that the wetlands exists closer to I-15.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Jay Anderton stated that they held a neighborhood meeting with the residents in the area. During that meeting, the residents indicated that they would like the landscape buffer removed from the median at 1060 North. They would prefer a cross flow of traffic so the traffic does not work its way back into the neighborhood. BABB Investments is willing to take on that expense if it is acceptable to the City. **Mr. Anderton** requested that they not be required to build the fence on the north side of the property since this will be a commercial entity like the adjacent credit union. They are willing to provide a 6 foot fence along the residential area.

Jared Hall said the credit union did not provide a screening fence along one side of their

property. City staff is not requiring that this developer provide a fence along the north side of their property due to the commercial nature of their business.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

John Bilton asked how many residents were present at the neighborhood meeting.

Jay Anderton said they received seven signatures but there were nine residents who attended the meeting.

Rick Wyss asked what the school's capacity enrollment will be.

Jay Anderton said the school is designed to accommodate 210 students.

Randy Hillier asked what grade levels will be offered in the future.

Jay Anderton said the desire is to accommodate pre-school through the first grades. The goal is for the students to then transition to their Salt Lake schools. The building is designed for another classroom within the interior of structure which would add an additional 26 students.

Chairman Talbot said he thinks this is a good use for that location.

Jay Anderton said the neighbors seemed happy with the use as well. The business hours are from 7:00 a.m. to 6:00 p.m. so there will not be lights or traffic beyond those times. The neighbors were concerned about the noise but were assured the only noise generated would be school children playing.

Rick Wyss said Challenger has been around for a long time so he is not concerned about the building being abandoned.

Motion

John Bilton moved that the Planning Commission grant Conditional Use Approval with the following conditions:

1. A landscaping plan must be submitted and approved by the Planning Department. The landscaping plan must include large caliper trees at no less than thirty feet on center along the west property line to provide screening between the adjacent residential lots on Eilason Drive and the school site;

2. Six foot solid fencing should be provided on the west side of the property. Fencing is not required on the north and south sides of said property. The fencing must be approved as a part of the landscaping plan required to be submitted.
3. No special allowances for signs are a part of this approval. Monument and wall-mounted signs, as outlined by City Ordinances, will be allowed as a part of the development under regular permitting processes;
4. The applicant must comply with the Master Development Agreement for the Farmington Preserve and all amendments related thereto;
5. The applicant must complete 1060 North for Shepard Creek Parkway to 1100 West Street;
6. The applicant shall receive Site Plan approval as set forth in Chapter 7 of the Zoning Ordinance and any conditions of Site Plan approval shall become conditions of the Conditional Use Permit.
7. The developer agrees to provide a cross cut in the median for the access off of 1060 North, as per the request of the local residents.

Randy Hillier seconded the motion, which passed by unanimous vote.

Jay Anderton said the residents not only requested the 1060 North cross cut but they are also concerned about the northerly access. He explained how the “drop off” will be occur at the school. An additional cross cut would allow the traffic to travel to the intersection that will be lighted in the near future.

Chairman Talbot said the cross cut is actually a decision that needs to be made by the City. The site plan should include acceptable traffic flows.

Findings

- This is an acceptable use for the zone and area.
- The use is accepted by the nearby residents since it is not a multi-family housing unit.
- Challenger School has an excellent reputation and will be a great neighbor in that section of the community.

[**Cory Ritz** was excused at 8:50 p.m.]

PUBLIC HEARING: JAMES AND PATRICIA YOUNG - APPLICANT IS REQUESTING A CONDITIONAL USE TO ALLOW EXCEPTIONS IN THE HEIGHT

**AND PLACEMENT OF AN ACCESSORY BUILDING (DETACHED GARAGE) IN
RESIDENTIAL ZONING ON PROPERTY LOCATED AT 1058 COMPTON ROAD IN
THE LR-F ZONE (C-7-07) (Agenda Item #7)**

Background Information

The applicants have requested a Conditional Use to allow an accessory structure with a height greater than 15' as required by ordinance. The site plan would also indicate that the applicants wish to locate the structure in the side-yard to the north of the main building. This also requires conditional use approval from the Planning Commission.

Ordinance Requirements - Height: The ordinances will support the Planning Commission in allowing greater heights for an accessory building, but stipulate that in all cases the accessory building height must be “subordinate in height to the main building”. Staff has measured the height (at the midpoint of the pitch, as per the ordinances) of both the existing house and of the proposed accessory. The existing house measured at just over 13 feet. The proposed accessory structure was scaled at just over 18 feet. Staff cannot support the request for increased height.

Ordinance Requirements - Location: Accessory buildings are normally required to be located at least 6 feet back from the rear line of the main building. The ordinance will allow an accessory structure in a side-yard, as shown by the applicants, if certain conditions are met. Building Code requires that the accessory cannot be closer to the main structure than 5 feet. Zoning codes will require that if the accessory structure is in the side-yard, then regular zoning setbacks will be met (e.g. 10 feet for the side-yard, 25 feet for the front, etc.).

Summary: Because of the very clear requirement and language regarding height for an accessory building, staff must recommend that the Commission deny the request for greater height. However, the Commission could allow for the location in the side-yard, thereby giving the applicants an opportunity to re-consider the height they feel they need for the building and possibly move forward if they can keep the height subordinate to the main building.

END OF PACKET MATERIAL.

Jared Hall reviewed the “Background Information” that was included in the Planning Commission packet. According to the Ordinance, any accessory building must be subordinate to the main building. This application does not meet that standard. City staff recommends that the Planning Commission allow the applicant to locate the accessory building in the side-yard. In many instances, it is problematic to locate an accessory building in the side yard due to setback issues. In this case, there is not a neighbor to the north so it will be acceptable.

John Bilton asked how the applicants plan to use the accessory building.

Jared Hall said the accessory building will be used as a guest house which is allowed by

the Ordinance so long as it is not used as a rental property.

Public Hearing

Chairman Talbot opened the meeting to a public hearing.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing.

Motion

Andrew Hiller moved that the Planning Commission deny the request for height extension, but approve a location of an accessory building in a side-yard with the following conditions:

1. The accessory building must be located no closer than 10 feet to the north property line, and no closer than 6 feet to the main building;
2. The accessory building must be located at least 5 feet to the rear of the front building line of the main building.
3. The accessory building must be subordinate in height to the main building.

Randy Hillier seconded the motion, which passed by unanimous vote.

Findings

- There is no neighbor to the north (no one to negatively impact with an accessory building in the side yard).

Jared Hall said the applicant is aware of the height restriction and is also aware that the public hearing was being held at this meeting.

MISCELLANEOUS

Haugen Body Repair Proposal

The Planning Commission discussed the proposal to relocate Haugen Body and Repair to the 1.2 acres on Park Lane between the gas station and the proposed storage units. The use is not currently allowed in the CMU zone so it would need to be approved as an allowable use.

Jared Hall reviewed the history of the CMU zone. When that zone ordinance was

drafted, it was apparent that the City did not want to include a body shop as an acceptable use.

Chairman Talbot questioned whether the term “City” refers to City staff or the City Council. According to his recollection, a body shop was an allowable use.

Jared Hall said the Planning Commission could make body shops an allowable use but it can not be a conditional use.

Rick Wyss said this discussion should be held in a public meeting that is properly noticed.

The Planning Commission directed City staff to inform **Mr. Haugen** that they were unable to discuss the proposal at great lengths because they found that the repair shop is not a use that is allowed by the Ordinance.

CenterCal Discussion

The Planning Commission discussed the Station Park project. **Jim Talbot** reported that City staff and officials met with the CenterCal Vice President, **Jean Paul Wardy**, regarding the progress at Station Park. CenterCal is continuing their efforts to provide a lifestyle center similar to the Oregon center that certain City officials visited in 2006. CenterCal is working to draw tenants that will attract shoppers, as well as other tenants to the project. In the future, CenterCal and the City will work more closely to communicate progress with the Planning Commission.

ADJOURNMENT

Paul Barker moved that the Planning Commission adjourn at 9:30 p.m.

*Jim Talbot, Chairman
Farmington City Planning Commission*